

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN

MOMS FOR LIBERTY BRANCH AND  
HILLSDALE COUNTY;  
JENNIFER WORTZ, Individually and by  
Next of Friend of OWEN WORTZ, a minor;  
And by Next Friend of ETHAN and ABBIGAL  
WOHLHETER, minors,

Case No. \_\_\_\_\_

Hon. \_\_\_\_\_

Plaintiffs,

Hillsdale Co. Circuit Court No. 21-706-CZ  
Hillsdale Co. Judge: Hon. Sara S. Lisznyi

v

REBECCA BURNS, in her official capacity as  
Health Officer; BRANCH-HILLSDALE-ST. JOSEPH  
COMMUNITY HEALTH AGENCY; and  
READING COMMUNITY SCHOOLS,

Defendants.

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**DEFENDANT BURNS AND BRANCH-HILLSDALE-ST. JOSEPH CHA'S**  
**NOTICE OF REMOVAL PURSUANT TO 28 U.S.C. § 1446(b)**

PLEASE TAKE NOTICE that Defendants Burns and Branch-Hillsdale-St. Joseph CHA, by and through its counsel, hereby remove the matter entitled ***Moms For Liberty, et al v Burns, et al***, Case No. 21-706-CZ, currently pending in **Hillsdale County Circuit Court**, to the United States District Court for the Western District of Michigan. The bases for removal are set forth below:

#### **STATEMENT OF GROUNDS FOR REMOVAL**

1. On or about September 27, 2021, this action was commenced in the Hillsdale County Circuit Court.

2. Upon information and belief, Defendant Reading Community Schools was served with the Summons and Complaint via mail on or about October 14, 2021.

3. These Defendants were served with the Summons and Complaint via mail on or about October 28, 2021.

4. A copy of the summons and complaint, which constitute all process and pleadings received by these Defendants, courtesy of co-Defendant Reading Community Schools, are attached as composite **Exhibit 1**.

5. This notice of removal is being filed within 30 days after receiving notice of the complaint by service or otherwise as required by 28 U.S.C. § 1446(b).

6. This Court has jurisdiction over this case based federal question jurisdiction pursuant to 28 U.S.C. § 1331.

#### **PLAINTIFF'S FEDERAL CLAIMS**

7. As a general matter, Plaintiffs allege Defendants infringed upon Plaintiffs' constitutional rights under the Fourteenth Amendment of the U.S. Constitution.

8. Specifically, Plaintiffs asserts six separate counts related to a September 22, 2021 Quarantine Order issued by Defendant Rebecca Burns acting in her official capacity as Health Officer for Defendant Branch-Hillsdale-St. Joseph CHA. Three of these counts seek state-law declaratory relief. The three remaining claims assert violations of Plaintiffs' federal constitutional rights. The federal claims are summarized as follows:

- a. Plaintiffs allege Defendants violated Plaintiffs' substantive due process in violation of the 14th Amendment of the U.S. Constitution because "[b]oth Quarantine Orders are arbitrary, capricious, irrational, and abusive conduct which unlawfully interferes with Plaintiff's' liberty interests protected by the Due Process Clause . . . ." (**Exhibit 1**, Count IV, ¶ 76)
- b. Plaintiffs allege Defendants "issued the quarantine on Plaintiffs without notice, hearing, or the opportunity to appeal their unlawful findings" and that the "September 3 Order was enacted with *any* procedural due process" in violation of the 14th Amendment of the U.S. Constitution. (***Id.***, Count V, ¶¶ 81-82)
- c. Plaintiffs allege "[b]oth Quarantine Orders are impermissibly and unconstitutionally vague" in violation of their due process rights under the 14th Amendment of the U.S. Constitution. (***Id.***, Count VI, ¶ 90)

9. All Defendants have consented to this removal as required under 28 U.S.C. § 1446(b)(2)(A).

10. No Defendant has sought similar relief with respect to this matter.

11. The prerequisites for removal to this Court have been satisfied to the extent required under 28 U.S.C. §§ 1441 and 1446.

12. Written notice of the filing of this notice of removal will be given to the adverse parties as required by law.

13. The allegations of this notice are true and correct and this cause is within the jurisdiction of the United States District Court for the Western District of Michigan.

Defendants file this notice of removal and remove this civil action to the United States District Court for the Western District of Michigan. Plaintiff is notified to proceed no further in state court unless or until the case should be remanded by order of said United States District Court.

Respectfully submitted,

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AMTSBUECHLER, P.C.

/s/ Andrew J. Brege

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